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GOVERNMENT OF TRIPURA
LAW DEPARTMENT
SECRETARIAT : AGARTALA

No. F.8(7)-Law/Leg-I/2018/8236-37 Dated, Agartala, the 28th August, 2019.

NOTIFICATION

The following Act of the Tripura Legislative Assembly received the assent of the President of India on the 10th August, 2019 and is hereby published for General information.

Goutam Debnath
L.R. & Secretary, Law
Government of Tripura

The Tripura Act No.5 of 2019

THE TRIPURA INDUSTRIES (FACILITATION)ACT, 2018

An
ACT

to provide for the constitution of clearance authorities at the District and State level for scrutiny, consideration and final disposal of the applications of the entrepreneurs proposing to start industries in the State and for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Tripura in the sixty ninthyear of the Republic of India asfollows:-

CHAPTER - I

PRELIMINARY

1. (a) This Bill may be called the "**Tripura Industries (Facilitation) Act, 2018**";

(b) It shall come into force on the date of its publication in the Official Gazette.

(c) It extends to the whole of Tripura

2.Application: This Act shall apply to various clearances required under various enactments for setting-up of industrial or service sector undertakings in the State of Tripura.

3. Definitions: In this Act unless the context otherwise requires-

(a) "Appellate Authority" means an appellate authority referred to in Section 23 of this Act.

(b) "Authority" means any statutory body, corporation or other Authority established by the Government, which are entrusted with the powers or responsibility to grant or issue clearances;

(c) "Clearances" means grant or issue of no objection certificates, allotments, consents, approvals, permissions, registrations, enrolments, licenses, or the like, by any Authority or Authorities, or any other bodies in connection with setting up of an industrial undertaking in the State of Tripura and shall include all such clearances required till the industrial undertaking starts commercial production;

(d) "Department" means, a Department of the State Government;

(e) "District Level Single Window Clearance Committee" means a Committee constituted under Section 10 of this Act;

(f) "Entrepreneur" means a person or body of persons or a company, having majority portion of investment or controlling interest in an industry or Enterprise;

(g) "Government" means the State Government of Tripura ;

(h) "High Level Single Window Clearance Committee" means a Committee constituted under Section 4 of this Act;

(i) "Industrial Unit" means any Industrial Undertaking located inside the State and engaged in any manufacturing or processing or both or providing service or doing any other business or commercial activity as may be specified by the State Government.

(j) "Nodal Agency" means the Nodal Agency at the State level or at the District level constituted under Section 14 of this Act;

(k) "Notification" means a notification published in the Tripura Gazette and the word 'notify' will be construed accordingly

(l) "Prescribe" means prescribed by rules made under this Act;

(m) "Other Projects" means projects for manufacturing or processing or both or providing service or doing any other business or commercial activity as may be specified by the State Government

(n) "State Level Single Window Clearance Committee" means a Committee constituted under Section 7 of this Act; and

(o) "Special Single Window Clearance Committee" means a Committee constituted under Section 13 of this Act.

CHAPTER-II

CONSTITUTIONS AND FUNCTIONS OF DIFFERENT CLEARANCE COMMITTEES

4. **High Level Single WindowClearance Committee**:(1) Government may, by notification in the Official Gazette, constitute from time to time, a committeeknown as the High Level Single Window Clearance Committee under the chairmanship of the Chief Ministerconsisting of such other ex-officio members, as may be prescribed therein.

(2) TheCommittee shall examineand consider the proposals for industrial and other projectsto be set up in the State where theamount of investment is more than Rupees twenty five croresor such higher amount as may be fixedby the Government from time to time.

(3) The members of the Committee under this section shall personally attend the meetings and incase of exigencies may depute a senior level official with written authorization to take appropriatedecisions in the meetings.

5. **Functions of the Committee**: (1) The High Level Single Window ClearanceCommittee shall meet at such time and place and shall adopt such procedures to transact its businessas may be prescribed.

(2) The Committee shall examine the proposals for setting-up any Industrial Unit referred to in Sub Section (2) of Section 4 and shall take decisions and communicate its decisionsto the entrepreneurs and the concerned departmentsor the authorities within such time as may be prescribed.

6. **Powers of Committee**: (1) The High Level Single Window ClearanceCommittee shall be the final authority in granting approvals for the projects placed before it.

(2) The approvals given by it shall be binding on all the departments or authorities concerned and such departments or authorities shall issue the required clearanceswithin the stipulated time and subject to compliances by entrepreneur undertaking of the provisions of the applicable Acts and the Rules made there under.

(3) The Committee shall review the proposals referred to it by the State Level Single Window Clearance Committee for granting approvals.

(4) To exercise such other powers and perform such other functions as may be prescribed.

7. **State Level Single Window Clearance Committee:** (1)The StateGovernment may, by notification in the official Gazette, constitutefrom time to time, a committeeunder the Chairmanship of the Chief Secretary known as the State Level Single WindowClearanceCommittee consisting ofsuch other members as may be specified therein.

(2) The State Level Single Window Clearance Committee shall examine and consider proposals received from the entrepreneurs relating to Industrial and other projects tobe set up in the State where the amount of investment is more than Rupees three crores and up to Rupees twenty

five crores or such amount as may be fixed by Governmentfrom time to time.

(3) Every member of the said Committeeshall personally attend the meetings and in case ofexigencies he may depute a senior level official with written authorization to take appropriatedecisions in the meetings.

8. **Functions of the Committee:** (1) The State Level Single Window Clearance Committee shall meet at such time and such placeand shall adopt such procedures totransact its business as may be prescribed.

(2) The Committee shall examine the proposals for setting-up any Industrial Unit referred to in Sub Section (2) of Section 7 and shall take decisions and communicate its decisionsto the entrepreneurs and the concerned departments or the authorities within such time as may be prescribed.

9. **Powers of the Committee**:(1) The State Level Single Window Clearance Committee shall be the final authority in granting approvals for the projects placed before it.

(2) The approvals given by it shall be binding on all the departments or authorities concerned and such departments or authorities shall issue the required clearanceswithin the stipulated time and subject to compliances by entrepreneur undertaking of the provisions of the applicable Acts and the Rules made there under.

(3) The Committee shall review the proposals referred to it by the District Level Single Window Clearance Committee for granting approvals.

(4) To exercise such other powers and perform such other functions as may be prescribed.

10. **District Level Single Window Clearance Committee:** (1)The StateGovernment may, by notification in the official Gazette, constitutefrom time to time, a committeeunder the Chairmanship of the District Magistrate & Collector known as the District Level Single Window ClearanceCommittee consisting ofsuch other members as may be specified therein.

(2) The DistrictLevel Single Window Clearance Committee shall examine and consider proposals received from the entrepreneurs relating to Industrial and other projects tobe set up in the respective Districts where the amount of investment up to Rupees three crores or such amount as may be fixed by Governmentfrom time to time.

(3) Every member of the said Committee shall personally attend the meetings and in case ofexigencies he may depute a senior level official with written authorization to take appropriatedecisions in the meetings.

11. Functions of the Committee (1) The District Level Single Window Clearance Committee shall meet at such time and such placeand shall adopt such procedures to transact its business as may be prescribed.

(2) The Committee shall examine the proposals for setting-up any Industrial Unit referred to in Sub Section (2) of Section 10 and shall take decisions and communicate its decisionsto the entrepreneurs and the concerned departments or the authorities within such time as may be prescribed.

12. Powers of the Committee:(1) The District Level Single Window Clearance Committee shall be the final authority in granting approvals for the projects placed before the Committee.

(2) The approvals given by the Committeeshall be binding on all the departments or authorities concerned and such departments or authorities shall issue the required clearanceswithin the stipulated time and subject to compliances by entrepreneur undertaking of the provisions of theapplicable Acts and the Rules made there under.

(3) To exercise such other powers and perform such other functions as may be prescribed.

13. Special single window clearance committee:(1) Government may, by notification, constitute Special Single Window Clearance Committees for anyspecified purpose, specified area or specified sector and delegate to them such powers andfunctions as the government may deem fit.

(2)The Special Single Window Clearance Committees shall consist of such number of members of whom one shallbe nominated by Government as Chairman by way of issuing notification.

14. State Level and District Level Nodal Agency:(1)TheStateGovernment may, by notification, appoint a nodal agency at the State level, which shall be headed by an officer of Director of Industries & Commerce including such supervisory and secretarial staff as may be required.

(2)The State Government may notify the District Industries Centre as Nodal Agency at the district level.

15. Functions of the State level Nodal Agency shall be as follows:-

(i) Investment promotional activities at the State,National and International level;

(ii) Render necessary assistance and feed back in policy formulation for industrial progress;
(iii) Guide and assist entrepreneurs to set-up industries in the State;
(iv) Prepare a combined application form for on-line /off –line submission by thc invcstors for obtaining various clcarancc s.
(v) Issue and receive application form from entrepreneurs and arrange requiredclearances from the departments or authorities concerned, within the specified timelimit;
(vi) To communicate the decision regarding approval/rejection/deemed approval to the applicant.
(vii) Provide secretarial and other support services to High Level Clearance Committee, State Level Single Window Clearance Committee and Special Single Window Clearance Committees.
(viii) Set up task force from key departments andAuthorities to review periodically the status of implementation of large projects and to sortout problems, if any.
(ix) The State Level Nodal Agency shall exercise its functions under this Act up to the stage/date of commencement of production or operation of thc undertaking or thc scrvicc s as thc casc may bc. Any additional clearances as may be necessary thereafter shall be accorded by the respective competent authority.

16. Functions of District Level Nodal Agency shall be as follows:-

(i) Investment promotional activities at the District Level.
(ii) Image building of the District to attract investment.
(iii) Investment climate improvement exercises.
(iv) Guide and assist entrepreneurs to set up industries in the District.
(v) Issue and receive application form from entrepreneurs and arrange required clearance from the departments or Authorities concerned within the specified time limit.
(vi) To communicate the decision regarding approval/rejection/deemed approval to the applicant.
(vii) Provide secretarial and other support services to District Level Single Window Clearance Committee.
(viii) Set up a task force from key departments or Authorities to review periodically the status of implementation of the project and to sort out problems, if any;
(ix) The District Level Nodal Agency shall exercise its functions under this Act up to the stage/date of commencement of production or operation of the undertaking or the services as the case may be. Any additional clearances as may be necessary thereafter shall be accorded by the respective competent authority.

17. Combined Application Form:(1) The State Government may prescribe the combined application form for the use of entrepreneurs whoseprojects are to be approved by any of the Clearance Committees as an alternative to the existingforms prescribed under any applicable Acts or Rules or Orders or Instructions for obtainingthe required

clearances and all Departments and authorities concerned shall accept thecombined application form for processing and issue of required clearances.

(2) Entrepreneurs intending to set up Industries may submit the application, duly filled-in alongwith required documents along with prescribed fees, either to the State Level Nodal Agency or to the District Level NodalAgency depending upon the amount of investment proposed to be made in setting up theIndustries as defined in this Act.

(3) The applicant/s shall submit the application with the prescribed fee in the prescribed manner to the State/District Level Nodal Agency.

18.Time limit for issue of Clearances: Notwithstanding anything contained in any Acts or Rules for the time being in force, the Government may prescribe time limits for processing of applications and issuance of clearance/s by different competent authorities under this Act.

19. Self-Certification:(1) Every entrepreneur shall furnish a "Self-Certification" at the time of submitting the duly completedapplication form to the Nodal Agency, undertaking that he would comply with the provisions ofapplicable Acts and Rules or Orders or Instructions.

(2) Such undertaking shall be furnished in the prescribed format on a non-judicial stamp paper ofthe value as fixed by the Government from time to time.

(3) All Departments or Authorities concerned shall accept the self-certification for the purpose ofissuing the required clearances.

20.Deemed approval:(1) Every Department or authority concerned, shall issue the required clearances after processingthe application as required under the applicable law within the specified time limit and incaseof failure to issue the required clearances within the specified time limit, such clearances shallbe deemed to have been issued provided the applicants have paid requisite fees, if any, the applications are free from any material defect.

(2) The deemed approvals shall continue to be in force until the formal clearance is issued by thedepartments or authorities concerned.

(3) Provided further that the deemed clearance under this Section shall not guarantee issue of subsequent statutory documents unless the entire process of enquiry required for the same is complete.

(4) The Nodal Agency shall communicate in writing to the entrepreneurs allowing the deemedapproval as per the provision and a copy marked to the department or authority concerned.

21.Exemption: The State Government may, by notification for good and sufficient reasons to be recorded in writing, exempt any clearance from the purview of this Act.

22. Suspension or cancellation of clearances: Any clearance issued by the competent authority or any deemed clearance shall be liable to be suspended or cancelled at any time by the competent authority if it is detected at any point of time that the clearance has been obtained by false self-certification, corrupt use of false or fabricated documents, use of forged certificates or documents etc., after giving a reasonable opportunity of being heard, in addition to taking appropriate penal action under section 24 of this Act.

23. Appeal: (1) Any person aggrieved by the decision of the High Level Single Window Clearance Committee, State LevelSingle Window Clearance Committee,District Level Single Window Clearance Committeeor Special Single Window Clearance Committees may,within 30 days from the date of receipt of communication of the decision of the authorities,appeal to the appellate authority as may be prescribed.

(2) The Appellate Authority shall after following such procedure, as may be prescribed, dispose of the appeal within a period of one month from the date of receipt.

24.Penalty:(1) Any applicant who makes an application for obtaining clearance under Section 17, Sub-section (2) and signs and furnishes a Self-Certificate to the State Level Nodal Agency or to the District Level NodalAgency under Section 19 by corruptly using or attempting to use false or fabricated documents or by issuing or signing such Certificate knowing to be false and fabricated and using or attempting to use such certificate as true knowing to be false and/or indulge in any activities of forgery in order to get clearance under this Act, he/she shall be liable to be prosecuted and punished under appropriate section/s of the Indian Penal Code 1860.

(2) Any entrepreneur who fails to comply with the conditions or undertaking as furnished in the Self Certification given to the State Level Nodal Agency or to the District Level NodalAgency or to the competent authority as the case may be,be punishable with fine which may extend to twenty thousand rupees for the first offense and for the second or subsequent offenses with fine which may extend to thirty thousand rupees.

(3) The relevant provisions of the Code of Criminal Procedure, 1973 shall apply in case of the offenses committed under sub-section (1) and (2) of this section.

25.Rationalization of Inspection:(1) Inspections under the provisions of applicable Acts and Rules or orders or instructions bydifferent Authorities shall be conducted jointly with the office of the LabourCommissioner, Chief Inspector of Factories and Boilers, Tripura State Pollution Control Board, Municipal Authorities once in a year andsuch inspections shall be based on random selection and shall be organized in the manner asmay be prescribed.

(2) Inspections against specific complaints may be conducted with authorization by the Heads ofthe Departments. Further, inspections in respect of pollution and safety aspects may be conducted as required under the relevant Acts or rules. Other inspections under other laws or rules as may be specified by the State Government from time to time shall be waived and self-certification shall be accepted.

26. Government may, from time to time, issue policy directions as deemed necessary to theclearance committeesfor the purpose of carrying out the objective of this Act and the concernedclearance committeeshall be bound to follow and act upon such direction**.**

CHAPTER -III
MISCELLANEOUS

27.**Offencesby Companies etc**.: (1) Where an offence under this Act has been committed by a Company, the Company as well as every person in charge of and responsible to the Company for the conduct of its business at the time of commission of the offense, shall be deemed to be guilty of the offense and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offense was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offense.

(2) Notwithstanding anything contained in sub-section (1), where an offense under this Act has been committed with the consent or connivance of, orthat commission of the offence is attributable to any neglect on the part of, any Director,Manager, Secretary or other officer authorized in that behalf of the company, such Director,Manager, Secretary or such other officer shall also be deemed to be guilty of that offence andshall be liable to be proceeded against and punished accordingly.

Explanation: For the purposes of this section:-

(a) "**Company**" means anybody Corporate and includes a firm or other association ofindividuals; and

(b) '**Director**" in relation to a firm means a partner in the firm

28. **Power to make Rules:**

(a) The State Government may, by Notification, after previous publication make Rules to carry out the purpose of this Act.

(b) Every Rule made under this Act shall be laid as soon as may be, after it is made before the House of the State Legislature while it is in session

29. **Savings:**Save as otherwise provided in this Act the provisions of this Act shall have effect not withstandinganything in consistent therewith contained in any, other state law or rules or orders orinstructions for the time being in force or any custom or usage or any instruments having effectby virtue of any such law.

30. **Protection of action taken in good faith**: No suit or legal proceedings shall be instituted against, or damage claimed from the clearanceauthorities or members or employees of such authorities for anything, which is in good faith,done or intended to be done, or for any order passed in good faith in pursuance of this act andthe rules made there under.

31. **Power to remove difficulties**:If any doubt or difficulty arises in givingeffect to the provisions of this Act, the Government may, by order, not inconsistentwith the provisions of this Act,remove the difficulties.

Provided that, no such order shall be made under this section after the expiry of two years from the date of commencement of this Act.

Goutam Debnath
LR & Secretary, Law
Government of Tripura